

Hearing Date: September 14, 2022 at 10:00 a.m. (ET)

Objection Deadline: June 17, 2022

Reply Deadline: July 29, 2022

**GIBSON, DUNN & CRUTCHER LLP**

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Adv. Pro. No. 08-01789 (CGM)

Plaintiff-Applicant,

v.

SIPA Liquidation

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Chapter 7 Estate of Bernard L. Madoff,

Adv. Proc. No. 10-04285 (CGM)

**ORAL ARGUMENT REQUESTED**

Plaintiff,

v.

UBS AG, UBS EUROPE SE (f/k/a UBS  
(LUXEMBOURG) SA), UBS FUND SERVICES  
(LUXEMBOURG) SA, UBS THIRD PARTY  
MANAGEMENT COMPANY SA, ACCESS  
INTERNATIONAL ADVISORS LLC, ACCESS  
INTERNATIONAL ADVISORS LTD., ACCESS  
MANAGEMENT LUXEMBOURG SA (f/k/a  
ACCESS INTERNATIONAL ADVISORS  
(LUXEMBOURG) SA) as represented by its  
Liquidator MAÎTRE FERNAND ENTRINGER,  
ACCESS PARTNERS SA as represented by its

Liquidator MAÎTRE FERNAND ENTRINGER, PATRICK LITTAYE, CLAUDINE MAGON DE LA VILLEHUCHET (a/k/a CLAUDINE DE LA VILLEHUCHET) in her capacity as Executrix under the Will of THIERRY MAGON DE LA VILLEHUCHET (a/k/a RENE THIERRY DE LA VILLEHUCHET), CLAUDINE MAGON DE LA VILLEHUCHET (a/k/a CLAUDINE DE LA VILLEHUCHET) individually as the sole beneficiary under the Will of THIERRY MAGON DE LA VILLEHUCHET (a/k/a RENE THIERRY DE LA VILLEHUCHET), PIERRE DELANDMETER, THEODORE DUMBAULD, LUXALPHA SICAV as represented by its Liquidators MAÎTRE ALAIN RUKAVINA and PAUL LAPLUME, MAÎTRE ALAIN RUKAVINA AND PAUL LAPLUME, in their capacities as liquidators and representatives of LUXALPHA, GROUPEMENT FINANCIER LTD.,

Defendants.

**NOTICE OF HEARING ON THE UBS DEFENDANTS'  
MOTION TO DISMISS THE SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, on April 22, 2022, Defendants UBS AG, UBS Europe SE (f/k/a UBS (Luxembourg) S.A.) (“***UBS Lux***” or “***UBS SA***”), UBS Fund Services (Luxembourg) S.A. (“***UBSFSL***”), and UBS Third Party Management Company S.A. (“***UBSTPM***”) (collectively, “***UBS***” or the “***UBS Defendants***”), by and through their undersigned counsel, filed a motion (the “***Motion***”) to dismiss the Second Amended Complaint filed in the above-captioned adversary proceeding on February 28, 2022 at ECF No. 274 (the “***Second Amended Complaint***”), by Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (“***BLMIS***”) and the chapter 7 Estate of Bernard L. Madoff (the “***Trustee***”), pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure. The Motion will be heard before the Honorable Cecelia G. Morris, United States Bankruptcy Judge for the United States

Bankruptcy Court for the Southern District of New York, on **September 14, 2022 at 10:00 a.m. (Eastern Time)** (the “**Hearing**”), or as soon thereafter as counsel may be heard.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court’s directive, all hearings will be conducted remotely pending further Order of the Court. All parties who wish to participate in the Hearing must refer to Judge Morris’ guidelines for remote appearances and are required to make arrangements in advance to appear via ZoomGov. For further details on ZoomGov, please call the Courtroom Deputy at (845) 451-6367. Further instructions regarding remote appearances via ZoomGov can be found on the Court’s website at <https://www.nysb.uscourts.gov/zoom-video-hearing-guide>.

PLEASE TAKE FURTHER NOTICE that, if you oppose the relief requested in the Motion you are required to file a written response (“**Response**”), and to serve the Response on the UBS Defendants’ undersigned counsel so that it is received by **June 17, 2022** (the “**Response Deadline**”). The UBS Defendants will file any reply papers in further support of the Motion on or before **July 29, 2022**.

PLEASE TAKE FURTHER NOTICE that, if no Response is timely served with respect to the Motion, the UBS Defendants may, on or after the Response Deadline, submit to the Bankruptcy Court a proposed order granting the relief sought in the Motion.

PLEASE TAKE FURTHER NOTICE that you need not appear at the Hearing if you do not object to the relief requested in the Motion.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, the UBS Defendants do not consent to the entry of final orders or judgment by this Court.

Dated: April 22, 2022  
New York, New York

Respectfully Submitted,  
**GIBSON, DUNN & CRUTCHER LLP**

/s/ Marshall R. King

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